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9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 KATHERINE WILSON individually and on
behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 GOOGLE LLC,

17 Defendant.
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CASE NO. 5:24-cv-03176-EKL

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE**

Date Action Filed: May 24, 2024

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Plaintiff Katherine Wilson submits this Notice of Voluntary Dismissal Without Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) for the reasons stated below.

On March 25, 2025, this Court entered an Order granting in part and denying in part Defendant Google LLC's motion to dismiss. Dkt. 65. The Court granted Google's motion regarding Plaintiff's claim for violation of the Driver's Privacy Protection Act ("DPPA") with leave to amend but denied the motion regarding Plaintiff's claim for violation of the California Invasion of Privacy Act ("CIPA"). *Id.*

Plaintiff will not amend her DDPA Claim. As a result, the dismissal of Plaintiff's DPPA claim raises questions about this Court's subject matter jurisdiction under the Class Action Fairness Act ("CAFA") as it relates to Plaintiff's CIPA claim. Specifically, CAFA's "home state" exception provides that "a district court shall decline to exercise jurisdiction ... over a class action in which ... greater than two thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed." 28 U.S.C. § 1332(d)(4). Plaintiff does not currently possess sufficient evidence to show that at least one-third of the members of the proposed class are citizens of states other than California in order to maintain diversity jurisdiction. 28 U.S.C. § 1332(d)(4). Accordingly, Plaintiff voluntarily dismisses her case without prejudice and will refile her case in state court.

Date: April 14, 2025

Respectfully submitted,

By: /s/ Roland Tellis

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